

KRISTINA N. HOLMSTROM  
Nevada Bar No. 10086  
LEWIS ROCA ROTHGERBER CHRISTIE LLP  
3993 Howard Hughes Pkwy, Suite 600  
Las Vegas, NV 89169-5996  
E-mail: [kholmstrom@lrrc.com](mailto:kholmstrom@lrrc.com)  
Tel: 702.949.8200  
Fax: 702.949.8398

*Attorneys for Defendant Metropolitan  
Life Insurance Company*

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

GINA GROSS-RUBIO, an individual,

Plaintiff,

vs.

METROPOLITAN LIFE INSURANCE  
COMPANY, a New York Corporation; DOES I  
through X, Inclusive; and ROE  
CORPORATIONS XI through XX, Inclusive,  
Defendants.

METROPOLITAN LIFE INSURANCE  
COMPANY, a New York Corporation,

Counterclaimant,

vs.

GINA GROSS-RUBIO, an individual,

Counterdefendant.

CASE NO. 2:12-C V-01281-RFB-GWF

**PROTECTIVE ORDER REGARDING  
CONFIDENTIAL MATERIAL**

Pursuant to the Minutes from the September 29, 2016 proceedings (Doc. 68),  
Defendant METROPOLITAN LIFE INSURANCE COMPANY ("MetLife")  
submits the proposed Protective Order:

1.

This Order shall apply to the production by MetLife of any claim guidelines  
("the guidelines"), and to any information or testimony pertaining to the guidelines,

1 during this litigation.

2 2.

3 No document or information provided under Paragraph 1 may be disclosed to  
4 any person, except for the following:

5 (a) Counsel of record; (b) the parties; (c) employees of the parties;  
6 (d) persons assisting counsel of record, including office staff of counsel, and other  
7 individuals retained by the parties and/or counsel for the parties to whom it is  
8 necessary that the material be disclosed for purposes of this litigation, and who  
9 agree to comply with this Order; and (e) any deponent whose testimony relates to  
10 the content of the guidelines, provided that the deponent agrees to comply with this  
11 Order.

12 3.

13 All such documents and information MetLife produces pursuant to paragraph  
14 1 shall be deemed "Confidential" and used only in the course of this action,  
15 including for use as evidence in any trial herein, if admissible, and shall not be used  
16 or provided for use in any other litigation or proceedings, and specifically shall not  
17 be disclosed to other parties in other litigation against MetLife, and shall not be  
18 disclosed to anyone at any time other than as specifically provided herein.

19 4.

20 The documents and information MetLife produces to Plaintiff and/or counsel  
21 for Plaintiff pursuant to paragraph 1 shall not be published orally, electronically, by  
22 copy, or by any other means to any person other than persons enumerated in  
23 paragraph 2 of this Order.

24 5.

25 Upon conclusion of this action, Plaintiff and/or counsel for Plaintiff shall  
26 return to MetLife the original and all copies made of such documents described in  
27 paragraph 1 within 30 days after conclusion of the case, including any appeals.  
28

1 6.

2 In the event a party, non-party or their attorney is required to appear in any  
3 subsequent legal proceeding which may concern documents deemed as  
4 “Confidential” or information contained therein, the party, non-party or their  
5 attorney will notify MetLife’s designated agent as soon as reasonably practicable  
6 after receipt of such process (including summons, subpoena or court order), but in  
7 any event sufficiently in advance of the disclosure such that MetLife may thereafter  
8 take such action as it deems necessary to prevent any disclosure. The person  
9 required to testify may respond to any questions regarding the documents or  
10 information unless directed by a Court to refrain from testifying. No notice under  
11 this paragraph shall be required if MetLife is a party to any such subsequent legal  
12 proceeding.

13 7.

14 MetLife’s designated agent for notice hereunder is:  
15 Kristina N. Holmstrom  
16 LEWIS ROCA ROTHGERBER CHRISTIE, LLP  
17 3993 Howard Hughes Parkway, Suite 600  
18 Las Vegas, NV 89169  
19 602.262.5762 (telephone)  
20 [KHolmstrom@LRRC.com](mailto:KHolmstrom@LRRC.com)

21 8.

22 If a party wishes to submit the guidelines to the Court in support of or in  
23 opposition to a motion or to introduce the guidelines as evidence of record at a  
24 hearing or during trial, that party shall first make a motion to seal pursuant to Rule 3  
25 of the Nevada Rules for Sealing and Redacting Court Records.

26 9.

27 The guidelines designated as Confidential, if submitted to the Court in  
28 support of or in opposition to a motion or introduced at a hearing or during trial,  
shall be filed in sealed envelopes or other appropriate sealed containers on which  
shall be endorsed the title of this action, an indication of the nature of the contents of  
such sealed envelope or other container, the words “Confidential Information” and a

statement substantially in the following form:

**CONFIDENTIAL**

This envelope contains information which has been designated as Confidential and is not to be opened and its contents are not to be disclosed to any person other than the Court or its Clerks except by Order of the Court, or upon the stipulation of the parties.

10.

In the event a recipient of Confidential Information produced in connection with this action receives any subpoena, other legal process or request directed at compelling the production of Confidential Information, that recipient shall immediately notify Counsel for MetLife in writing, so as to afford it ample opportunity to contest that subpoena, legal process or request.

11.

Plaintiff and Counsel for Plaintiff acknowledge that the unauthorized disclosure of Confidential Information shall constitute a material breach of this Order entitling MetLife to all available and appropriate remedies. Nothing in this Order limits MetLife's right to pursue all available legal or equitable remedies available to it resulting from a breach of this Order.

SO ORDERED this 30th day of March, 2017.



**RICHARD F. BOULWARE, II**  
**United States District Judge**

**CERTIFICATE OF SERVICE**

I hereby certify that on October 14, 2016, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for re-filing pursuant to the Court's Deficiency Notice (Doc. 70) and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

Cliff W. Marcek, Esq.  
CLIFF W. MARCEK, P.C.  
536 E St Louis Ave  
Las Vegas, Nevada 89104  
*Attorney for Plaintiff Gina Gross-Rubio*

/s/ B. Phares  
An Employee of Lewis Roca Rothgerber Christie LLP

3993 Howard Hughes Pkwy, Suite 600  
Las Vegas, NV 89169-5996

**Lewis Roca**  
ROTHGERBER CHRISTIE